

**REGULAR MEETING
of the
CITY OF RIALTO
CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES
January 4, 2005**

A regular meeting of the City Council/Redevelopment Agency of the City of Rialto was held in the City Council Chambers located at 150 South Palm Avenue, Rialto, California 92376, on Tuesday, January 4, 2005.

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This meeting was called by the presiding officer of the Rialto City Council in accordance with the provisions of **Government Code §54956** of the State of California.

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CALL TO ORDER

Mayor Vargas called the meeting to order at 4:00 p.m.

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The roll was called and the following were present: Mayor Vargas and Council Members, Robertson, Hanson, Scott and Sampson. Also present were City Administrator Garcia, City Attorney Owen and City Clerk McGee.

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CLOSED SESSION

1. Conference with Legal Counsel – existing litigation. The City Council will discuss the following pending litigation pursuant to Government Code Section 54956.9(a):
 - (a) City of Rialto v. United States Department of Defense, et. al.
(United States District Court Case No. EDVC 04-00079)
 - (b) Brazier v. City of Rialto
(Riverside Superior Court Case No. RICSCV095124)
 - (c) Cortez v. City of Rialto
(San Bernardino Superior Court Case No. SCVSS101568)
 - (d) Mower v. City of Rialto
(San Bernardino Superior Court Case No. SCVSS107190)
 - (e) M.F. Bolster Flooring Co. v. City of Rialto
(San Bernardino Superior Court Case No. SCISS120517)
2. Conference with Legal Counsel – anticipated litigation. The City Council will meet with its legal counsel to discuss a significant exposure to litigation pursuant to Section 54956.9, subdivision (b) of the Government Code with respect to two potential cases.

CLOSED SESSION

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Motion by Council Member Sampson, second by Council Member Robertson and carried by unanimous vote to go into Closed Session. City Council went into Closed Session at 4:03 p.m. and returned at 5:10 p.m.

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CALL TO ORDER

Mayor Vargas called the meeting to order at 6:04 p.m.

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The roll was called and the following were present: Mayor Vargas, Council Members Hanson, Robertson, Scott and Sampson. Also present were City Administrator Garcia, City Attorney Owen and City Clerk McGee.

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Pledge of Allegiance and Invocation

Council Member Ed Scott led the pledge of allegiance. Pastor Harry Bratton – Grace Bible Church gave the Invocation.

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CITY ATTORNEY'S REPORT ON CLOSED SESSION

City Attorney Owen stated that in Closed Session the City Council conferred with its Attorney regarding each of the items of pending litigation shown on the Closed Session portion of the Agenda. The City Council took no reportable other than authorizing the Law Offices of Robert A. Owen to defend the case of M.F. Bolster Flooring Co. v. City of Rialto. The City Council also conferred with its Attorney regarding anticipated litigation on two different matters.

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PRESENTATIONS AND PROCLAMATIONS

Police Sergeant Craig Crispin presented the Code Enforcement Update for December 2004.

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CONSENT CALENDAR

A. WAIVE FULL READING OF ORDINANCES

1. Waive reading in full, all ordinances considered at this meeting.

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B. APPROVAL OF WARRANT RESOLUTIONS

1. Resolution No. 24 (12/17/04)

2. Resolution No. 25 (12/24/04)

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CONSENT CALENDAR

C. APPROVAL OF MINUTES

1. Regular RDA/City Council and Rialto Housing Authority Meeting – November 16, 2004
2. Regular RDA/City Council Meeting – December 7, 2004

D. SETTING OF PUBLIC HEARINGS

1. Request City Council to set a public hearing for the **January 18, 2005** City Council Meeting for the placement of liens (delinquent refuse collection accounts) against the properties shown on the attachment.

E. MISCELLANEOUS

1. Request City Council to approve and accept the Final Map Tract No. 16625.
2. Request City Council to authorize the purchase of a Lifepack 12 Cardiac Monitor/Defibrillator from Medtronic/Physio Control in the amount of \$20,589.52.
3. Request City Council to make findings of continuing the emergency for the Landscape Maintenance District Remediation and Maintenance.

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Motion by Council Member Robertson, second by Council Member Hanson and carried by unanimous vote to approve the Consent Calendar as presented.

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NEW BUSINESS

TAB 1 – Appointment of a Mayor Pro Tem

Mayor Vargas stated that she would like to appoint Council Member Joe Sampson as Mayor Pro Tem.

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Motion by Council Member Scott, second by Council Member Hanson and carried by unanimous vote to appoint Council Member Joe Sampson as Mayor Pro Tem.

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TAB 2 – Assignments of City Council Representatives

Mayor Vargas presented proposed assignments of City Council Representatives to boards/commissions/committees:

Standing Committees

Assigned Council Member

Seniors 2000	Sampson (R) Hanson (A)
Budget Oversight Committee	Vargas (R) Scott (A)
Economic Development Committee	Sampson (R) Scott (A)
Transportation Commission	Robertson (R)

NEW BUSINESS**TAB 2 – Assignments of City
Council Representatives****Standing Committees****Assigned Council Member**

Human Relations Commission	Hanson (R)	Sampson (A)
Veterans Affairs	Sampson (R)	Scott (A)
CDBG Ad Hoc Committee	Sampson (R)	Hanson (A)
SANBAG Board	Vargas (R)	Scott (A)
SANBAG Alameda Corridor East Adhoc Committee	Vargas (R)	Scott (A)
SANBAG Transportation & Planning Committee		Vargas (R)
League – Legislative Task Force	Robertson (R)	Hanson (A)
League – City Voting Legislative Delegate		Robertson (R)
San Bernardino County Flood Control District Zone 2 Advisory Committee		Vargas (R)
County-wide Solid Waste Advisory Task Force		Sampson (R)
San Bernardino County Municipal Water District		Sampson (R)
Rialto Chamber of Commerce	Hanson (R)	Sampson (A)
Rialto School District Committee	Vargas (R)	Rotation (A)
Omnitrans Board	Vargas (R)	Sampson (A)
Omnitrans-Planning & Productivity Committee		Vargas (R)
SCAG – General Assembly		Robertson (R)
SCAG-Community, Economic, and Human Development Committee (CEHD)		Robertson (R)
Confire		Hanson (R)
Agua Mansa Executive Committee (AMIGA)	Vargas (R)	Scott (A)
Foothill Freeway Corridor Joint Authority Designs		Scott (R)
Inland California Television Network (CSUSB)	Sampson (R)	Hanson (A)
BIDA (Downtown Business Improvement District Assoc)	Vargas (R)	Scott (A)
Baldy View Public/Private Sector Coalition (CLOUT)	Hanson (R)	Robertson (A)
RAMROD Committee	Sampson (R)	Robertson (A)
Lytle Creek Conservation District (West Valley Water District)	Sampson (R)	Robertson (A)
West End Treatment Joint Powers (West Valley Water District)	Sampson (R)	Scott(A)

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NEW BUSINESS

TAB 2 – Assignments of City Council Representatives

Motion by Council Member Robertson, second by Council Member Sampson and carried by unanimous

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TAB 3 – Appointments and reappointments to Citizens on Commissions

Council Member Sampson stated that they need to take into consideration the future 210 freeway and the different types of development occurring in the City, he thinks they should give themselves more time and put off the appointments for 30 days and see whether or not they receive more applications.

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Council Member Scott stated that this would be a good idea and should advertise on Ch. 3 inviting people to join commissions and hope to get more quality applicants.

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City Clerk McGee stated that they run the vacancies on Ch. 3 and run ads in the newspapers. She stated that they can add the Press Enterprise.

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Mayor Vargas stated that she feels the same way and that they are going to try and fill all the vacancies on the commissions.

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Council Member Scott read which Commissions have vacancies.

Cable Advisory Commission

3 Vacancies

Human Relations Commission

3 Vacancies- 2 Alternate Vacancies

Mobile Home Rent Review Commission

1 Vacancy - 2 Alternate Vacancies

Beautification Commission

3 Vacancies

Utilities Commission

1 Vacancy

Transportation Commission

3 Vacancies

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Council Member Sampson stated that he and Mayor Vargas have been serving as the interview committee for new commissioners. They should consider having a Special Meeting and have all the Council Members be involved and do a public interview.

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NEW BUSINESS

TAB 3 – Appointments and reappointments to Citizens on Commissions

Council Member Robertson stated that before they choose to take the action, how long are they going to keep this open? There are a number of large vacancies which has her wondering do they have Commission that are unable to have a quorum and operate on anything.

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City Attorney Owen stated not to his knowledge.

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Motion by Council Member Sampson, second by Council Member Scott and carried by unanimous vote to hold off for 30 days to re-advertise to get more applications.

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TAB 4 – Resolution No. 5186 – Purchase of vehicle exhaust extraction system

Fire Chief Steve Wells stated that several months ago they were notified by FEMA that they were awarded a grant, to assist them in replacing three aged exhaust extractor systems. The three systems are approximately 20 years and no longer meet the minimum standards for providing the clean air to the interior of the Fire Station where fire apparatus is stored. The grant amount was for \$99,656 and required a match amount of \$42,709 for a total of \$142,365.

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Motion by Council Member Robertson, second by Council Member Scott and carried by unanimous vote to accept the award of \$99,656 from FEMA Fire Act Grant and adopt Resolution No. 5186 authorizing the expenditure of \$42,709 matching requirement for the purchase of three (3) vehicle Exhaust Extraction Systems in the amount of \$142,365 for the Fire Department.

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TAB 5 – PSA Amendment No. 4 with Caltrop Engineering for In-House Engineering Division Support

City Administrator Garcia stated that this a request for City Council to approve the Professional Services Agreement Amendment No. 4 to the Caltrop Engineering Corp. at the previous Meeting the City Council asked for two specific things. One, the re-engineering of the costs and two, a timeline with reference to the specific period in which Caltrop would participate in helping with various projects outlined in the staff report. They have had an opportunity to fine tune the date to June 30th and they have reduced the cost to \$119,040.

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Council Member Scott wanted to make that no projects were removed or deleted.

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NEW BUSINESS

TAB 5 – PSA Amendment No. 4 with Caltrop Engineering for In-House Engineering Division Support

City Administrator Garcia stated that they have not removed any projects. They have had a change of some service provision by internal personnel, so the projects remain intact and moving forward.

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Motion by Council Member Robertson, second by Council Member Scott and carried by unanimous vote to approve the Professional Services Agreement Amendment No. 4 to Caltrop Engineering Corp. for extension of temporary professional services for In-House Engineering Division Support and increase the purchase order in the amount of \$119,040.

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TAB 6 – Approve purchase of property located at 200 S. Orange Ave.

Robb Steel, Economic Development Director stated that this a purchase and sale Agreement to purchase the property at 200 S. Orange Ave. The City currently owns the property immediately west of this site at Palm and Rialto Avenues. The City and Agency additionally own land on the blocks to the north and to the east. This property was placed on the market by the owner, the Agency contacted the owner and the owner stated that she would entertain an offer from the Agency. The appraised value of the property was \$190,000. The Agency made this offer to the property owner and they accepted it. There is approximately 19,000 square feet on the site so the purchase price is roughly \$10 a sq. ft. which is consistent on what they have been paying for other property. Under the terms of the purchase and sale agreement they have 60 days to close escrow and during that time they will do a phase I analysis to determine if there were any toxic materials that were on this site or any of the surrounding properties that might create a risk. They will also take a look at the conditions that may affect the site. Assuming that both of these contingencies are released they will then close on the property. At this point they are proposing to acquire the site using low moderate income housing funds. They have an ample supply of low moderate income housing funds at this time and their general thought is that at some point the block that starts from Rialto and moves south towards the Metrolink Station might be included with the Metrolink parking expansion. This might become a good location for a mixed use project that might combine commercial and residential uses perhaps some senior housing. In addition to the \$190,000 purchase price they will have to incur costs for the title, escrow, Phase I analysis, so they have asked for additional \$10,000. This amount would be taken from the Low Moderate income Housing Fund 235.

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NEW BUSINESS

TAB 6 – Approve purchase of property located at 200 S. Orange Ave.

Council Member Scott stated that by using low/moderate money, does this limit what they can do with that property. For instance, a viable commercial project came along and made an offer on that piece of property and the piece next to it, can it be sold if it was something the City wanted to do.

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Robb Steel, Economic Development Director stated they could, they would just have to replace the low moderate income housing funds with non low moderate income housing funds and then add interest to that.

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Council Member Sampson stated that when he purchased his home 29 years ago, Ann Herrington was the Real Estate Agent and she is the owner of the property they are discussing, Does this impose any type of conflict?

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City Attorney Owen stated no, it does not impose any conflict.

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Motion by Council Member/Agency Member Sampson, second by Council Member/Agency Member Scott and carried by unanimous vote to approve the purchase and Sale Agreement for the property located at 200 S. Orange Avenue and adopt RDA Resolution No. 477 appropriating \$200,000 from the Low and Moderate Income Housing Set Aside Fund.

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TAB 7 – Second Addendum to the FEIR for the North Rialto Distribution Project

City Administrator Garcia requested that they continue this item. They have recently received some information from the Department of Toxic Substance Control concerning the Amendment. He would like to have Mike Story, Development Services Director review this information and come back at the next meeting with that analysis, to make sure they have covered those concerns.

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Motion by Council Member Sampson, second by Council Member Scott and carried by unanimous vote to table this item until the next City Council Meeting.

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UNFINISHED BUSINESS

TAB 8 – Ordinance 1366

Mayor Vargas read the title of the Ordinance:

ORDINANCE NO. 1366

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, ESTABLISHING A MORATORIUM ON DEVELOPMENT APPLICATIONS LOCATED ALONG THE SR-210 FREEWAY CORRIDOR AND WITHIN A PORTION OF THE RIALTO AIRPORT AREA SPECIFIC PLAN AND DECLARING THE URGENCY THEREOF.

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Motion by Council Member Robertson, second by Council Member Sampson and carried by unanimous vote to adopt **Ordinance No. 1366** to establish a Moratorium on Development Applications along the SR-210 Freeway Corridor and within portions of the Airport Specific Plan. The vote was: AYES: Mayor Vargas, Council Members Robertson, Hanson, Sampson and Scott. NOES: none. ABSTAIN: none. ABSENT: none.

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TAB 9 – Ordinance No. 1367

Mayor Vargas read the title of the Ordinance:

ORDINANCE NO. 1367

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA APPROVING CHANGE OF ZONE NO. 312 AND ADOPTING A NEGATIVE DECLARATION

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Motion by Council Member Sampson, second by Council Member Hanson and carried by unanimous vote to adopt **Ordinance No. 1367** to approve Zone Change 312- to change zoning designation of a 0.42 acre parcel and a 0.95 acre parcel from Single Family Residential (R-1A) to Multi-Family Residential (R-3); adopt a Negative Declaration (E.A.R. 04-05). The vote was: AYES: Mayor Vargas, Council Members Robertson, Hanson, Sampson & Scott. NOES: none. ABSTAIN: none. ABSENT: none.

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TAB 10 – Ordinance 1368

Mayor Vargas read the title of the Ordinance:

ORDINANCE NO. 1368

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA APPROVING CHANGE OF ZONE NO. 313 AND ADOPTING A NEGATIVE DECLARATION

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UNFINISHED BUSINESS

TAB 10 – Ordinance 1368

Motion by Council Member Sampson, second by Council Member Scott and carried by unanimous vote to adopt **Ordinance No. 1368** approving change to Zone No. 313 and adopting a Negative Declaration. The vote was: AYES: Mayor Vargas, Council Members Robertson, Hanson, Sampson & Scott. NOES: none. ABSTAIN: none. ABSENT: none.

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ORAL COMMUNICATIONS

No one came forward to speak.

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REPORTS

Council Member Hanson wished everyone a Happy New Year.

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Council Member Sampson wished everyone a Happy New Year.

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Council Member Scott wished everyone a Happy New Year.

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Council Member Robertson wished everyone a Happy New Year.

Council Member Robertson stated that she does not want to send a message to the public that the applications they did receive to fill vacancies on Commissions were not of quality. She is in support of what her fellow Council Members said seeing of there are other citizens wanting to join a Commission.

Council Member Robertson stated that she is very comfortable with all the City Representative assignments, but she would ask that with the Economic Development Committee after they have met could City Council receive an agenda so they are abreast of all the various projects.

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Mayor Vargas wished everyone a Happy New Year.

Mayor Vargas wished Council Member Winnie Hanson and her husband a Happy 49th Wedding Anniversary.

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City Administrator Report

City Administrator Garcia expressed his appreciation and thanks to the camera crew.

City Administrator Garcia reminded City Council that they will be meeting again next Tuesday, January 11, 2005 at 6:00 p.m. to have a Special City Council Meeting with BIDA.

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ADJOURNMENT

Motion by Council Member Sampson, second by Council Member Scott and carried by unanimous vote to adjourn the meeting. The City Council adjourned at 6:45 p.m.

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MAYOR GRACE VARGAS

ATTEST:

CITY CLERK BARBARA A. McGEE, CMC